Michael B. Hicks
Capital of Texas Zoo
376A Jenkins Road
Cedar Creek, TX 78612

CITATION AND NOTIFICATION OF PENALTY

We believe that you violated the Animal Welfare Act (7 U.S.C. § 2131 et seq.) (AWA), as described below.

Date of Violation: December 9, 2013

9 C.F.R. § 3.125(a) Facilities, general. Structural strength. The facility must be constructed of such material and of such strength as appropriate for the animals involved. The indoor and outdoor housing facilities shall be structurally sound and shall be maintained in good repair to protect the animals from injury and to contain the animals.

> You failed to replace and/or maintain a metal fence panel that was bowed and had sharp points on 2 bearded hogs' enclosures; sharp points on the chain link fence at the shelter entrance of 3 jungle cats; and 2 fence posts in the hippo shelter that were loose and moved when the hippo pushed up against it. APHIS officials observed the hippo pushing the post and chewing on the fence post.

Date of Violation: December 9, 2013

9 C.F.R. § 3.127(b) Facilities, outdoor. Shelter from inclement weather. Natural or artificial shelter appropriate to the local climatic conditions for the species concerned shall be provided for all animals kept outdoors to afford them protection and to prevent discomfort to such animals. Individual animals shall be acclimated before they are exposed to the extremes of the individual climate.

> You failed to provide adequate protection to 1 hippo from the wind and cold weather.

Date of Violation: December 12, 2013

9 C.F.R. § 2.40(b)(2) Attending veterinarian and adequate veterinary care (dealers and exhibitors). Each dealer or exhibitor shall establish and maintain programs of adequate veterinary care that include the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and the availability of emergency, weekend, and holiday care.

> You failed to provide adequate veterinary care for 1 camel whose ribs and the top of its hips were visible. The camel's hump was falling to

one side.

Date of Violation: December 12, 2013

9 C.F.R. § 3.125(a) Facilities, general. Structural strength. The facility must be constructed of such material and of such strength as appropriate for the animals involved. The indoor and outdoor housing facilities shall be structurally sound and shall be maintained in good repair to protect the animals from injury and to contain the animals.

You failed to replace and/or maintain a metal fence panel that was bowed and had sharp points; sharp points on the chain link fence at the shelter entrance; and 2 fence posts in the hippo shelter that were loose and could be pushed.

Date of Violation: December 12, 2013

9 C.F.R. § 3.127(b) Facilities, outdoor. Shelter from inclement weather. Natural or artificial shelter appropriate to the local climatic conditions for the species concerned shall be provided for all animals kept outdoors to afford them protection and to prevent discomfort to such animals. Individual animals shall be acclimated before they are exposed to the extremes of the individual climate.

You failed to provide adequate shelter for a hippo. The shelter had a roof but the sides were open and did not protect the hippo from the wind.

Date of Violation: December 17, 2013

9 C.F.R. § 3.127(b) Facilities, outdoor. Shelter from inclement weather. Natural or artificial shelter appropriate to the local climatic conditions for the species concerned shall be provided for all animals kept outdoors to afford them protection and to prevent discomfort to such animals. Individual animals shall be acclimated before they are exposed to the extremes of the individual climate.

You failed to provide adequate wind breaks on the shelter for the hippo which had three sides that were still open.

The penalty for the alleged violation(s) described above is $2,929.